

Rec'd PCT/PTO

26 OCT 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#8

In re Application of) DESAI, et al.
Title) Resin-Bonded, Gas Purged Nozzle
US Application Number) 10/533,921
Int'l Application Number) PCT/US03/32427
Int'l Publication No.) WO2004/035249 A1
Int'l Filing Date) October 14, 2003
Attorney Docket No.) 1415 US



To: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

20 JAN 2006

Legal Staff
International Division

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND PETITION
UNDER 37 CFR 1.181

This paper is in response to the Notification of Missing Requirements Under 35 U.S.C. 371 mailed September 16, 2005, setting a two month period for Response.

The Notification indicated that an oath or declaration in compliance with 37 CFR 1.497 (a) and (b), along with a \$130 surcharge are due. Applicant respectfully traverses this requirement and petitions under 37 CFR 1.181 to have the requirement vacated.

~~11/01/2005 OFREYI 00000050 220201 10533921~~

~~01 FC-1617 130.00 DA~~

A copy of the Request, as filed in the USPTO Receiving Office on October 14, 2003 is enclosed herewith. As can be seen, a declaration in compliance with 37 CFR 1.497 (a) and (b) is located on pages 6-9 of the Request. Therefore, the declaration has been filed in the case prior to 30 months from the priority date.

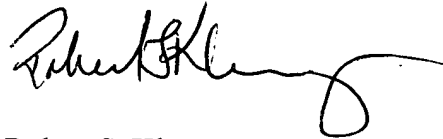
As a result, Applicant believes that the requirement for the \$130 surcharge should be withdrawn. In the interim, the Commissioner is hereby authorized to charge

the appropriate surcharge under 37 CFR 1.492(e) (\$130.00) as well as any additional necessary fees, to deposit account number 220281 in order to timely meet the requirements of the Notification. Applicant reserves the right to petition of a refund of the surcharge should it be determined, as set forth by Applicant, that the declaration has already been timely filed, making the surcharge inappropriate.

Date: *October 21, 2005*

Vesuvius USA Corporation
27 Nobletown Road
Carnegie, PA 15106-1632
Tel: 412-269-6921
Fax: 412-276-7252

Respectfully submitted,



Robert S. Klemz
Reg. No. 46,305

Adjustment date: 02/21/2006 BCAMPBEL
11/01/2005 GFREY1 00000050 220281 16533921
01 FC:1617 130.00 CR

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October 14, 2003

Commissioner for Patents

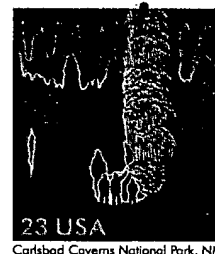
(KINDLY ACKNOWLEDGE RECEIPT OF THE FOLLOWING
LISTED DOCUMENTS AND RETURN THIS POSTCARD)

ATTORNEY DOCKET NO. 1415 PCT

- 1 - DISKETTE PCT APPLICATION, "RESIN-BONDED, GAS PULGED NOZZLE"
- 1 - EXPRESS MAIL CERTIFICATE DOCUMENT
- 9 - PGS - PCT REQUEST FORMS
- 2 - PGS - PCT (ANNEX - FEE CALCULATION SHEET) FORMS
- 1 - PG - PCT-EASY INFORMATION SHEET / VALIDATION LOG
- 1 - PG - COPY OF APPLICATION ABSTRACT
- 21 - PGS - APPLICATION SPECIFICATION, ABSTRACT, AND DRAWING (1 PG)
- 3 - PGS - GENERAL POWER OF ATTORNEY DOCUMENTS (ONE
POWER OF ATTORNEY DOCUMENT FOR EACH OF 3 INVENTORS)
- 1 PG - GENERAL POWER OF ATTORNEY DOCUMENT FOR COMPANY
- 1 - RETURN RECEIPT POSTCARD

PCT/03/32427

DT13 Rec'd PCT/PTO 14 OCT 2003



Vesuvius USA
27 Noblestown Road
Carnegie, PA

15106-1632

15106-1632

attn: legal dept.

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|---|---------------------------------|
| In re Application of |) | DESAI et al. |
| |) | |
| Title |) | RESIN-BONDED, GAS PURGED NOZZLE |
| |) | |
| Attorney Docket No. |) | 1415 PCT |

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Date of Deposit: October 14, 2003

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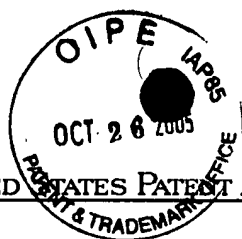
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 Signature of person mailing correspondence

Thomas C. Dunford

 Name of person mailing correspondence



UNITED STATES PATENT AND TRADEMARK OFFICE

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26 OCT 2005

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|--------------------------|------------------|
| 10/533,921 | Priyadarshi Gautam Desai | 1415 US/PCT |

INTERNATIONAL APPLICATION NO.

PCT/US03/32427

I.A. FILING DATE

10/14/2003

PRIORITY DATE

10/16/2002

Vesuvius
 Attn Robert S Klemz Jr
 27 Noblestown Road
 Carnegie, PA 15106-1632

CONFIRMATION NO. 6081

371 FORMALITIES LETTER



OC000000016982580

Date Mailed: 09/16/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/04/2005
- Copy of the International Search Report filed on 05/04/2005
- Copy of IPE Report filed on 05/04/2005
- Preliminary Amendments filed on 05/04/2005
- Information Disclosure Statements filed on 05/04/2005
- U.S. Basic National Fees filed on 05/04/2005
- Priority Documents filed on 05/04/2005
- Power of Attorney filed on 05/04/2005
- Specification filed on 05/04/2005
- Claims filed on 05/04/2005
- Abstracts filed on 05/04/2005
- Drawings filed on 05/04/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/533,921 | PCT/US03/32427 | 1415 US/PCT |



JC04R PCT/PTO 26 OCT 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) **DESAI et al.**
Title) RESIN-BONDED, GAS PURGED NOZZLE
Attorney Docket No.) 1415 US/PCT

To: Commissioner for Patents
Mail Stop: MISSING PARTS
P.O. Box 1450
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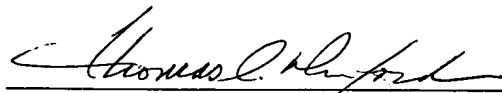
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Signature of person mailing correspondence

Thomas C. Dunford
Name of person mailing correspondence



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Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|-----------------------------|-------------------------------|---------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/533,921 | |
| | Filing Date | | |
| | First Named Inventor | DESAI | |
| | Group Art Unit | | |
| | Examiner Name | | |
| Total Number of Pages in This Submission | 20 | Attorney Docket Number | 1415 US |

| ENCLOSURES (check all that apply) | | |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Reply | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): RETURN RECEIPT POSTCARD |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application | Remarks | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---------------------------------------|
| Firm or Individual name | Robert S. Klemz, Jr., Reg. No. 46,305 |
| Signature | |
| Date | October 26, 2005 |

| CERTIFICATE OF MAILING | | |
|---|-------------------|-----------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class ^{EXPRESS} mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: OCT. 26, 2005 | | |
| Typed or printed name | Thomas C. Dunford | |
| Signature | | Date OCTOBER 26, 2005 |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.